

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC., et al.

Defendants.

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) Civ. No. 04-CV-11136-GAO
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**PLAINTIFF THE FEDERAL TRADE COMMISSION'S MOTION FOR LEAVE TO
SUBMIT A REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE AFFIDAVITS
SUBMITTED BY DEFENDANTS IN SUPPORT OF THEIR OPPOSITION TO
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff the Federal Trade Commission (the Commission") respectfully moves this Court for leave to file the attached four-page Reply Brief In Support of its Motion to Strike Affidavits Submitted by Defendants in Support of Their Opposition to Plaintiff's Motion for Summary Judgment. The Commission requests the opportunity primarily to briefly address the Defendants' mischaracterization of the issues addressed by the Commission's experts, as well as to note that the hearsay statements that the Defendants now contend were offered merely to show the states of mind of Donald Barrett and other employees cannot be viewed as controverting the factual assertions submitted by the Commission in support of its motion for summary judgment.

The Commission conferred with counsel for Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald W. Barrett, and Robert Maihos and counsel does not object to the Commission's filing of this reply brief.

A proposed Order granting the instant motion is attached hereto.

Respectfully submitted,

/s/ Edward Glennon
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ATTORNEYS FOR PLAINTIFF

Dated: April 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 10, 2006.

/s/ Edward Glennon
Edward Glennon